

Docket No.: **WIBR-GeneralPatent**  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of: Isabelle Riviere, *et al.*

Patent No.: 6,544,771

Confirmation No.: N/A

Filed: June 2, 1994

Art Unit: 1637

For: RETROVIRAL GENE THERAPY VECTORS  
AND THERAPEUTIC METHODS BASED  
THEREON

Examiner: Fredman, Jeffrey N.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT UNDER 37 C.F.R. § 1.378(c)**

MS Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

2012 NOV -9 PM 12:40

Dear Sir:

The undersigned respectfully petitions to accept the unintentionally delayed payment of the maintenance fee in the subject patent under 37 C.F.R. §1.378(c). This Petition is being filed within twenty-four months after the six-month grace period provided in §1.362(e). In support of this Petition, submitted herewith are:

- (1) The required maintenance fee set forth in §1.20(e) through (g), as required by §1.378(c)(1);
- (2) The surcharge set forth in §1.20(i)(2), as required by §1.378(c)(2); and
- (3) The statement required by §1.378(c)(3).

11/29/2012 MBANGURA 00000022 503655 6544771  
01 FC:1599 3090.00 DA

Patent No. 6,544,771  
Petition to Accept Maintenance Fee Under 37 C.F.R. §1.378(c)

Docket No.: WIBR-GeneralPatent  
Page 2

Specifically, Whitehead Institute for Biomedical Research ("Whitehead"), assignee of an undivided interest in the entirety of U.S. Patent No. 6,544,771 as evidenced by an Assignment recorded at Reel 007223, Frames 0723-0726, respectfully states that its delay in payment of the maintenance fee was unintentional and requests that the delayed payment of the maintenance fee be accepted and the patent reinstated.

The undersigned believes that no fee is due other than the fees provided for herewith. However, if an additional fee is due, please charge Deposit Account No. 50-3655, from which the undersigned is authorized to draw, under order number WIBR-GeneralPatent.

Dated: 10/26/12

Respectfully submitted,

By Lisa M. Treannie

Lisa M. Treannie, Esq.  
Registration No.: 41,368  
Morse, Barnes-Brown & Pendleton, P.C.  
City Point  
230 Third Avenue, 4<sup>th</sup> Floor  
Waltham, MA 02451  
781-622-5930  
Attorney for Whitehead

2012 NOV -9 PM 12:40

PTO/SB/17 (10-12)

Approved for use through 01/31/2014. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

**FEE TRANSMITTAL****Complete if known**

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Application Number	08/252,710
TOTAL AMOUNT OF PAYMENT	Filing Date	06-02-1994
(\$)	First Named Inventor	ISABELLE RIVIERE
3,090.00	Examiner Name	JEFFREY NORMAN FREDMAN
	Art Unit	1637
	Practitioner Docket No.	WIBR-General Patent

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-3655 Deposit Account Name: Morse, Barnes-Brown & Pandey, PC

For the above-identified deposit account, the Director is hereby authorized to (check all that apply):

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayment of fee(s) under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	390	195	620	310	250	125	
Design	250	125	120	60	160	80	
Plant	250	125	380	190	200	100	
Reissue	390	195	620	310	760	380	
Provisional	250	125	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	62	31
Each independent claim over 3 (including Reissues)	250	125
Multiple dependent claims	460	230

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
-20 or HP =	x					
HP = highest number of total claims paid for, if greater than 20.						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
-3 or HP =	x					
HP = highest number of independent claims paid for, if greater than 3.						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$320 (\$160 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/ 50 =	(round up to a whole number) x		

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English specification, \$130 fee (no small entity discount)	
Non-electronic filing fee under 37 CFR 1.16(t) for a utility application, \$400 fee (\$200 small entity)	
Other (e.g., late filing surcharge): Maintenance Fee Due at 7.5 years (\$1,450); Surcharge under 1.20(i)(2) (\$1,040)	\$3,090.00

**SUBMITTED BY**

Signature	/Lisa M. Treannie/	Registration No. (Attorney/Agent)	41,368	Telephone	781-622-5930
Name (Print/Type)	Lisa M. Treannie			Date	10-26-2012

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**FAX TRANSMISSION****DATE:** November 28, 2012**PTO IDENTIFIER:** Application Number  
Patent Number 6,544,771**Inventor:** Riviere, et al.**MESSAGE TO:** US Patent and Trademark Office (Attn: Michael)**FAX NUMBER:** (571) 273-6500**FROM:** Lisa M. Treannie, Esq. *fnv*  
MORSE, BARNES-BROWN & PENDLETON, P.C.**PHONE:** 781-622-5930**Attorney Dkt. #:** WIBR-PatentGeneral**PAGES (Including Cover Sheet):** 2**CONTENTS:** Fee Transmittal submitted via EFS on October 26, 2012 (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (781) 622-5930 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**MORSE, BARNES-BROWN & PENDLETON, P.C.**  
CityPoint, 230 Third Avenue, 4<sup>th</sup> Floor  
Waltham, Massachusetts 02451  
**Telephone:** (781) 622-5930 **Facsimile:** (781) 622-5933